



Richard T. McCarty

Partner

Houston
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Rich concentrates his practice on patent, complex commercial, and intellectual property litigations, as well as intellectual property counseling. As a former naval officer in the United States Navy's Submarine Force, he brings to bear extensive and broad technical experience and knowledge, including in chemical, nuclear, and mechanical engineering, that he pairs with a practical, business-oriented approach.

Rich is a partner in the firm's Houston office focusing on a wide array of patent, complex commercial, and intellectual property litigation matters, as well as intellectual property counseling matters. Rich has experience with intellectual property and complex commercial disputes involving a variety of technologies, including oil field services equipment, downhole tools, oilfield safety products, and offshore drilling technologies. His intellectual property counseling practice focuses extensively upon the fields of oil and gas, oilfield, and chemical technologies and includes preparation of validity analyses, non-infringement analyses, freedom to operate opinions, the negotiation and drafting of licenses and settlement agreements, and general counseling on trademark and licensing matters.

Key Matters

Rich has represented oil and gas offshore contractors, oilfield services firms, oilfield equipment manufacturers, chemical companies, refiners, offshore platform manufacturers, municipal utility companies, and pipeline companies in matters including patent litigations, complex commercial litigations, intellectual property litigations, and intellectual property counseling. Representative litigation and dispute matters include the following:

- Represented an international oilfield services firm in a breach of contract case brought by an oil and gas operator regarding surface controlled subsurface safety valves in the U.S. Gulf of Mexico.
- Represented a plaintiff oilfield services provider in a patent infringement lawsuit relating to a downhole fracturing technology. The case was settled favorably prior to trial.
- Represented an oilfield services provider in a successful response to a petition for inter partes review.
- Represented multiple offshore drilling contractors in defense of patent infringement allegations. The cases settled prior to trial.
- Represented an international oilfield services firm in a patent infringement lawsuit relating to downhole composite bridge plugs and fracturing plugs. The case settled after a two-week jury trial.
- Represented a plaintiff oilfield safety device manufacturer in several patent infringement litigations. Each case settled successfully prior to trial.
- Represented a municipal electrical utility in an arbitration relating to alleged breaches of a power purchase agreement. The case settled favorably prior to the arbitration.
- Represented an oilfield executive in a defense against allegations of misappropriation of trade secrets. The case settled favorably prior to trial.

Rich also has experience in a number of pro bono matters, including appellate experience in the successful defense of a pro bono client accused of defamation in an Anti-SLAPP (Strategic Lawsuit Against Public Participation) lawsuit, representation of veterans in appeals before the Board of Veterans' Appeals, and representation of pro bono clients in various immigration matters.

Recent Experience

Drilling Tools International Corp. Closes on Acquisition of Deep Casing Tools

Recognitions

- Recognized in *The Best Lawyers in America*® (2021–2024) for Intellectual Property Litigation
 - Elected as a Fellow of the Texas Bar Foundation
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Activities

- Rich is a member of the American Intellectual Property Law Association (AIPLA), American Bar Association – Intellectual Property Law Section, Houston Bar Association, and Houston Intellectual Property Law Association.
 - Prior to law school, Rich served as a naval officer in the United States Navy Nuclear Power Program. He served on two nuclear submarines, including serving as chief engineer on a fast-attack nuclear powered submarine—USS *Hyman G. Rickover* (SSN 709). Rich’s rigorous Navy nuclear propulsion training encompassed such fields of study as nuclear physics, mechanical engineering, fluid dynamics, electrical engineering, chemistry, and materials science. Rich is qualified as a naval nuclear engineer officer. After leaving Active Duty, Rich continued his career in the Naval Service as a member of the United States Navy Reserve. He retired from the United States Navy at the rank of commander after over twenty years of service in both the Active and Reserve components.
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Credentials

EDUCATION

Rich received a B.S. in chemical engineering, *summa cum laude*, from Texas A&M University in 1996 where he was a member of Tau Beta Pi. While earning his undergraduate degree, he interned as a process engineer for three summers in a semiconductor fabrication facility for Texas Instruments. In 1997, he completed U.S. Naval Nuclear Power Training as class honorman during both phases of this training. He received a J.D., *summa cum laude*, from the University of Houston Law Center in 2010 where he was chief notes & comments editor of the *Houston Law Review* and a member of the Order of the Coif and the Order of the Barons. Rich received an MBA from the University of Arizona in 2003.

ADMISSIONS

- Texas

Related Insights & News

RECOGNITIONS

Winston Team Led by Tom Melsheimer Highlighted in Litigator of the Week Column

SEPTEMBER 1, 2023

RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*® 2024

AUGUST 17, 2023

RECOGNITIONS

Winston & Strawn Attorneys Recognized in *The Best Lawyers in America*® 2023

AUGUST 18, 2022

RECOGNITIONS

Winston Attorneys Recognized in *The American Lawyer's* Litigator of the Week Column

FEBRUARY 11, 2022

RECOGNITIONS

Winston & Strawn Attorneys Recognized in *The Best Lawyers in America*® 2022

AUGUST 19, 2021

RECOGNITIONS

Richard McCarty Elected as a Fellow of the Texas Bar Foundation

DECEMBER 29, 2020

BLOG

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NOVEMBER 19, 2020

NEWS

Winston Team Revokes Hess's \$225 Million Lawsuit

NOVEMBER 10, 2020

RECOGNITIONS

Winston & Strawn Attorneys Recognized in *The Best Lawyers in America*© 2021

AUGUST 20, 2020

BLOG

Keep Your Head Above Water: Quarantine Advice from Partner and Former Navy Submarine Force Officer, Rich McCarty

MAY 7, 2020

NEWS

Winston & Strawn Announces Newly Elected U.S. Partners Spanning Six Practice Groups

JANUARY 22, 2020

CLIENT ALERT

District Court's Damages Rulings Were Not Appealable When There Was No Final Disposition of the Underlying Breach of Contract Claim

JANUARY 23, 2019

Capabilities

- Intellectual Property
- Patent Litigation
- Commercial Litigation & Disputes
- Technology, Media & Telecommunications
- Oil & Gas
- Energy